

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

Petition of Southeast Telephone, Inc. for )  
Arbitration of Certain Terms and )  
Conditions of the Proposed Agreement with )  
Kentucky ALLTEL, Inc., Pursuant to the )  
Communications Act of 1934, as amended )  
By the Telecommunications Act of 1996 )

Docket No. 2003-00115

**PETITION FOR CONFIDENTIAL TREATMENT OF**  
**KENTUCKY ALLTEL PETITION FOR RECONSIDERATION**

Kentucky ALLTEL, Inc. ("Kentucky ALLTEL") moves the Kentucky Public Service Commission ("Commission") pursuant to K.R.S. §61.878(1)(c)(i) and 807 KAR 5:001, Section 7 to accord confidential treatment to specifications and upgrade estimates with respect to SouthEast Telephone, Inc.'s ("SETel") switch (collectively, the "Switch Specifications") as discussed in Kentucky ALLTEL's Petition for Reconsideration, and in support thereof states the following:

1. In order to adequately address its position with respect to the orders issued in this proceeding by the Commission, Kentucky ALLTEL prepared a Petition for Reconsideration which includes discussion of SETel's Switch Specifications. Kentucky ALLTEL previously filed with the Commission under confidential seal the Switch Specifications as exhibits to its Supplemental Data Requests.

2. Kentucky ALLTEL devoted substantial resources to compiling the underlying data making up the Switch Specifications, which information includes the manufacturer's proprietary information and upgrade estimates and was revealed to Kentucky ALLTEL or proprietary basis from the manufacturer.

3. The Switch Specifications are treated as highly confidential by Kentucky ALLTEL and its affiliates. The Switch Specifications contain information that has not been released publicly and is disclosed internally within Kentucky ALLTEL on a need-to-know basis only and to the Commission only when required and only pursuant to a confidentiality agreement or enforceable order according the information confidential treatment. Kentucky ALLTEL employs all reasonable measures to protect the confidentiality of the proprietary information in the Switch Specifications and to guard against inadvertent, unauthorized disclosure. Further, Kentucky ALLTEL is not entitled to publish such competitively sensitive information on behalf of SETel's switch manufacturer.

4. K.R.S. §61.878(1)(c)(1) provides in pertinent part:

The following public records are excluded from the application of ...[the Open Records Act] and shall be subject to inspection only upon order of a court of competent jurisdiction ...

(c)1. ...records confidentially disclosed to an agency or required by an agency to disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

5. Public disclosure of the Switch Specifications would provide other entities an unfair advantage by affording them access to manufacturer proprietary information which was revealed to Kentucky ALLTEL only upon its execution of a protective agreement. Such information contained in the Switch Specifications is generally considered confidential and proprietary in the telecommunications industry.

6. The Switch Specifications are also protected from disclosure pursuant to K.R.S. §61.878(1)(c)(2)(c) as confidential and proprietary records disclosed to the Commission in conjunction with the regulation of a commercial enterprise.

7. Filed with this Petition as Attachment 1 is one copy of the Petition for Reconsideration that includes those portions of the Switch Specifications that are confidential. Also filed are ten copies of the Petition for Reconsideration with the confidential Switch Specification information redacted.

8. Due to the highly confidential nature of the Switch Specifications as set forth herein, any diskette containing an electronic form of the unredacted Switch Specifications should not be duplicated under any circumstance and should be viewed only from the original diskette.

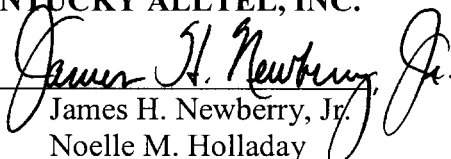
WHEREFORE, Kentucky ALLTEL respectfully requests that the Switch Specifications be accorded confidential treatment and be placed in the confidential files of the Commission, that viewing of any diskette containing the unredacted Switch Specifications be restricted to only Commission and Staff involved herein, that no party herein including Staff be permitted to duplicate any diskette containing the unredacted Switch Specifications, and that Kentucky ALLTEL be accorded all other relief to which it may be entitled.

Dated: February 17, 2004.

Respectfully submitted,

**KENTUCKY ALLTEL, INC.**

By:

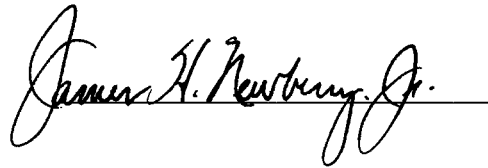
  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the Petition for Confidential Treatment and Petition for Reconsideration were served on the following by first class mail, postage prepaid:

Hon. Jonathon N. Amlung  
Counsel for SouthEast Telephone, Inc.  
1000 Republic Building  
429 W. Muhammad Ali Blvd.  
Louisville, KY 40202

This 17<sup>th</sup> day of February, 2004.

A handwritten signature in black ink, reading "James H. Newberry, Jr.", is written over a horizontal line.

**KENTUCKY ALLTEL, INC.**

**PETITION FOR CONFIDENTIAL TREATMENT**  
**ATTACHMENT 1**